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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/029,073

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John Almeida

almeida073

5295

24221 7590 03/18/2010
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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

NOTIFICATION DATE

DELIVERY MODE

03/18/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/029,073	Applicant(s) ALMEIDA, JOHN	
	Examiner MARISSA THEIN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 308-323 and 325-335 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 308-323 and 325-335 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/7/10; 1/20/10; 2/8/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 30, 2009 has been entered.

Response to Amendment

Applicant's "Request for Continued Examination" filed on November 30, 2009 has been considered.

Claims 308, 310, and 318 are amended. Claims 308-323 and 325-335 remain pending in this application.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on January 7, 2010, January 20, 2010 and February 8, 2010 are being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 308, 310, and 317 have been amended to include the limitation "without redirecting the user to the first host and without redirecting the user to the second host";

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“without redirecting eh user to the first host”; and “without redirecting the user the third host” which appears to be new matter. No support for this limitation was found in the Applicant's disclosure. The limitation also appears to be a negative limitation. MPEP 2173.05(i) states: “Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. ... The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation, which does not have basis in the original disclosure, should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 308-315, 317-319, 321-323, 327, and 331-335 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,141,666 to Tobin in view of U.S. Patent Application Publication No. 2003/00993321 to Bodmer et al.

Regarding claim 308, Tobin discloses a program storage device readable by a server, tangible embodying a program of instructions executable by the sever to perform method steps for managing a plurality of content hosts on the same server, said method steps comprising the steps of: retrieving a first dynamic content hosted by a first host wherein retrieving is performed by the server (abstract; col. 2, lines 64-col. 3, line 2; col.

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6, lines 65-67); retrieving a second dynamic content hosted by a second host wherein the second dynamic content is configured from a database table and wherein retrieving is performed by the server (abstract; col. 2, lines 64-col. 3, line 2; col. 7, lines 55-67; col. 9, lines 6-30) (dynamically retrieves stored data in response to a server software tool which configures the data into hypertext tagged documents, abstract; col. 6, lines 65-67; col. 7, lines 55-66); presenting a third host to a user accessing the server wherein the third host displays the first dynamic content and the second dynamic content as if the first dynamic content and the second dynamic content originated from the third host (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-30) ; and wherein the server computers server is configured to control all interfacing with the user through the third host (abstract; col. 6, lines 65-67; col. 7, lines 55-66).

However, Tobin does not explicitly disclose without redirecting the user to the first host and without redirecting the user to the second host. Tobin does disclose a computer based client/server communication system which dynamically customizes the content on the server Web site pages in response to distinct classes of client (col. 1, lines 21-24). The system includes a database responsive to the server which dynamically retrieves data stored on the system (col. 2, lines 64-66). The server based communications system provides participating vendors with the ability to supply the system with HTML documents wherein the vendors has access into the system for control over the HTML documents supplied by the vendors. The vendors have the ability to transfer HTML documents pertaining to product data. (Col. 3, lines 45-50) Tobin discloses image map which is a grouping of hypertext links, wherein the hypertext

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links provide jumps to Web site pages. Essentially the hypertext links contain anchors to web site pages which are crated from combination of server files. For customizing web site pages which the hypertext links are anchored to, a database process is used to access different combination of files for configuring the customized content on the web site pages the client or user eventually sees when a hypertext link is executed. (Col. 7, lines 12-24) The configuration of the image map entails two components, the clients x coordinate pointer position and the matching of server database files. The server calls out database map files based on variables such as particular vendor, date, particular occasions. (Col. 13, lines 58-63)

Bodmer, on the other hand, teaches without redirecting the user to the first host and without redirecting the user to the second host (paragraph 37; paragraph 72).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the program storage device of Tobin, to include, without redirecting the user to the first host and without redirecting the user to the second host, as taught by Bodmer, in order to retain control of the customers on their site (paragraph 18), thus providing an efficient way to obtain, retain and track the appropriate information about all transaction with the customer (paragraph 18).

Regarding claims 309-315, 317-319, 321-323, 327, and 331-335, Tobin discloses formatting a content page that has at least a first portion of the first dynamic content hosted by the first host and at least a second portion of the second dynamic content hosted by the second host (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-30); enabling the second host to virtually present the first dynamic content

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hosted by the first host as if the first dynamic content originated from the second host (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-30); hosting a third dynamic content on the third host, directing the first host to manage the first dynamic content, directing the second host to manage the second dynamic content, and, directing the third host to manage the third dynamic content (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-51); formatting a content page that has at least a portion of the first content hosted by the first host (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-51; col. 10, lines 8-26); formatting a content page that has at least a portion of the second content hosted by the first host (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-51; col. 10, lines 8-26); the first host, the second host and the third host are accessible through a user interface (Figure 4; Figure 11A; Figure 11B); user-uploaded interface (col. 13, lines 22-23); third host hosts a third content (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-51; col. 10, lines 8-26); enabling the first host to virtually present the third content hosted by the third host as if said third content originated from the first host (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-30); formatting a content page comprising at least a first portion of the first dynamic content, at least a second portion of the second dynamic content and at least a third portion of the third content (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-51; col. 10, lines 8-26); third content is a dynamic content (col. 7, lines 55-66; col. 9, lines 6-51; col. 10, lines 8-26); first, second and third content is selected from the group consisting of is a good for sale, an image, a form, a link (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col.

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9, lines 6-51; col. 10, lines 8-26; col., 13, line 63-col. 14, line 10); the first host, the second host and the third host are configured to be hosted in an infrastructure selected from the group consisting of a physical location, a URL address, a database, a database table, a computer,; and, a network address (col. 10, lines 28-64 Figure 31; Figure 32); the third host is configured to interface with an end user viewing the first dynamic content and the second dynamic content (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-51; col. 10, lines 8-26); in a classification selected from the group consisting of: e-shop, website, e-distributor, manufacturer, e-commerce, and e-service (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11B; col. 9, lines 6-51; col. 10, lines 8-26); the server is further configured to provide user entered information to the first host and second host (col. 5, lines 46-col. 6, line 34).

However, Tobin does not explicitly disclose without redirecting the user to the first host and without redirecting the user to the third host. Tobin does disclose a computer based client/server communication system which dynamically customizes the content on the server Web site pages in response to distinct classes of client (col. 1, lines 21-24). The system includes a database responsive to the server which dynamically retrieves data stored on the system (col. 2, lines 64-66). The server based communications system provides participating vendors with the ability to supply the system with HTML documents wherein the vendors has access into the system for control over the HTML documents supplied by the vendors. The vendors have the ability to transfer HTML documents pertaining to product data. (Col. 3, lines 45-50) Tobin discloses image map which is a grouping of hypertext links, wherein the hypertext

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links provide jumps to Web site pages. Essentially the hypertext links contain anchors to web site pages which are crated from combination of server files. For customizing web site pages which the hypertext links are anchored to, a database process is used to access different combination of files for configuring the customized content on the web site pages the client or user eventually sees when a hypertext link is executed. (Col. 7, lines 12-24) The configuration of the image map entails two components, the clients x coordinate pointer position and the matching of server database files. The server calls out database map files based on variables such as particular vendor, date, particular occasions. (Col. 13, lines 58-63)

Bodmer, on the other hand, teaches without redirecting the user to the first host and without redirecting the user to the third host (paragraph 37; paragraph 72).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the program storage device of Tobin, to include, without redirecting the user to the first host and without redirecting the user to the third host, as taught by Bodmer, in order to retain control of the customers on their site (paragraph 18), thus providing an efficient way to obtain, retain and track the appropriate information about all transaction with the customer (paragraph 18).

Claims 316, 320, 325-326, 328-330 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,141,666 to Tobin and U.S. Patent Application Publication N0. 2003/0093321 to Bodmer et al., as applied to claim 308 above, and further in view of U.S. Patent No. 7,194,678 to Koike et al..

Tobin and Bodmer substantially discloses the claimed invention, however, the combination does not disclose accessing a database table having at least one column and a plurality of rows; accessing a first identification marking of the first content wherein said first identification marking is stored in a row of the database table; and accessing a second identification marking of the second content wherein said second identification marking is stored in another row of the database table; user-selected language; and virtual.

Koike, on the other hand teaches, accessing a database table having at least one column and a plurality of rows; accessing a first identification marking of the first content wherein said first identification marking is stored in a row of the database table; and accessing a second identification marking of the second content wherein said second identification marking is stored in another row of the database table. (Col. 10, lines 50-col. 11, line 4); and user-selected language (col. 18, lines 60-63); virtual (col. 16, line 63)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the program storage device of Tobin, to include accessing a database table having at least one column and a plurality of rows; accessing a first identification marking of the first content wherein said first identification marking is stored in a row of the database table; and accessing a second identification marking of the second content wherein said second identification marking is stored in another row of the database table; user-selected language; and virtual, as taught by Koike, in order to generate a dynamic page (Koike, col. 3, lines 40-41).

Response to Arguments

Applicant's arguments with respect to claims 308-323 and 325-335 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marissa Thein/
Examiner, Art Unit 3627
March 15, 2010

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